

Message Text

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ACTION OES-07

INFO OCT-01 NEA-11 ISO-00 ACDA-12 CIAE-00 INR-10 IO-13
L-03 NSAE-00 NSC-05 EB-08 NRC-05 SOE-02 DODE-00
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FM AMCONSUL BOMBAY
TO SECSTATE WASHDC 8215
INFO AMEMBASSY NEW DELHI

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E.O. 11652 N/A
TAGS: TECH, IN
SUBJ: TARAPUR SAFEGUARDS

REF: BOMBAY 2277, AUGUST 26, 1976 REPEATED TO DEPARTMENT AS
NEW DELHI 12609 OF AUGUST 1976.

1. THE IAEC HAS AGAIN FORMALLY REQUESTED A REPLY TO THEIR TWO
OFFICIAL REQUESTS REFTEL FOR A "JOINT DETERMINATION" ON APPLYING
SAFEGUARDS TO REPROCESSING OF TAPS SPENT FUEL AT PREFRE. THE
TEXT OF THEIR LATEST LETTER FOLLOWS:

QUOTE

NO. 13/21/75-ER 28 APRIL 1978

DEAR MR. COURTNEY,

KINDLY REFER TO OUR LETTERS OF EVEN NUMBER DATED AUGUST 21,
1976 AND DECEMBER 24, 1976 REGARDING THE FUEL REPROCESSING
PLANT AT TARAPUR.

I WOULD BE GRATEFUL IF YOU COULD LET US KNOW WHEN WE
COULD EXPECT YOUR REPRESENTATIVES TO VISIT INDIA TO
CONCLUDE THIS EXERCISE.

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WITH REGARDS, YOURS SINCERELY,
SD./-
(R. SEN)

UNQUOTE

2. THIS MATTER HAS BEEN RAISED TANGENTIALLY IN SEVERAL RECENT

CONVERSATIONS BY KEY IAEC OFFICIALS. ON EACH OCCASION CONGEN HAS STRESSED THAT WHILE US HAS NOT FORMALLY REPLIED TO THEIR REQUESTS FOR A "JOINT DETERMINATION" THE CONSUL GENERAL AS WELL AS OTHER US OFFICIALS HAVE MADE IT ABUNDANTLY CLEAR THAT THERE IS NO POSSIBILITY THAT THE US COULD AGREE TO REPROCESSING OF TAPS SPENT FUEL AT THIS TIME; E.G. BOMBAY 929 OF APRIL 13, 1978 REPEATED TO DEPARTMENT AS NEW DELHI 5816.

3. SETHNA HIMSELF HAS UNDERSTOOD OUR POSITION AND HAS BEEN INCLINED TO LET ISSUE REMAIN DORMANT, BUT HE NOW APPEARS UNABLE TO DO SO ANY LONGER. HE HAS TOLD CONGEN INFORMALLY THAT OFFICIALS IN MEA, DAE AND THE LAW MINISTRY HAVE BEEN TOLD TO DRAW UP CONTINGENCY PLANS FOR TARAPUR IN THE EVENT THIS US DOES CUT OFF SUPPLIES OF ENRICHED URANIUM. AT SAME TIME HE SAYS THESE OFFICIALS HAVE BEEN CAUTIONED TO DO NOTHING THAT WOULD PRECIPITATE THE US WITHDRAWAL OR THAT WOULD GIVE THE US ANY GROUNDS FOR CLAIMING THAT INDIA IS VIOLATING THE 1963 AGREEMENT FOR COOPERATION. TWO INDIAN OBJECTIVES IN THIS EXERCISE ARE TO FREE THEMSELVES TO SEEK ALTERNATIVE SUPPLIES OF ENRICHED URANIUM AND TO PROTECT THEMSELVES AGAINST HEAVY EXPENDITURES FOR ADDITIONAL SPENT FUEL STORAGE SPACE. IAEC OFFICIALS SAY THAT THE LAW MINISTRY CLAIMS THAT THE US IS MOST VULNERABLE TO A TECHNICAL CHARGE OF VIOLATION OF THE 1963 AGREEMENT BECAUSE OF ITS FAILURE TO DEAL DIRECTLY WITH THE ISSUE OF APPLYING SAFEGUARDS TO REPROCESSING AS CONTEMPLATED UNDER ARTICLE II E OF THE 1963 AGREEMENT.

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4. AS EXPLAINED BY DAE OFFICIALS THE LAW MINISTRY APPARENTLY BELIEVES THAT THE US IS OBLIGATED UNDER THE 1963 AGREEMENT TO AT LEAST UNDERTAKE A JOINT EXAMINATION TO DETERMINE WHETHER SAFEGUARDS CAN EFFECTIVELY BE APPLIED TO PREFRE. IF IN THE PROCESS OF THIS JOINT EXAMINATION THE US DOES NOT AGREE THAT PREFRE CAN BE EFFECTIVELY SAFEGUARDED THEN OUR EXPERTS WOULD HAVE TO STATE REASONS WHY AND THESE WOULD HAVE TO BE DEFENSIBLE IN TERMS OF THE AGREEMENT ITSELF MKS WELL AS INTERNATIONAL PROCEDURES FOR SAFEGUARDING. THE LAW MINISTRY BELIEVES THAT IF IN THIS PROCESS WE OPPOSE SAFEGUARDS AS IT EXPECTS US TO DO, THEN WE CAN BE SHOWN TO HAVE VIOLATED THE AGREEMENT. COMMENT: TO CONGEN THIS IS A VERY ARCANE LEGAL POINT AND WE ARE UNABLE TO EVALUATE IT BUT IT SEEMS CLEAR THAT A NUMBER OF INDIAN OFFICIALS ARE PREPARED TO PUSH THIS REASONING QUITE FAR. END COMMENT.

5. SETHNA HAS OPPOSED THIS APPROACH FOR MORE THAN TWO YEARS BECAUSE IT SMACKS OFF AN ADVERSARY RELATIONSHIP THAT HE BELIEVES IS UNWISE. HIS LACK OF ENTHUSIASM IS ILLUSTRATED BY FACT THAT NONE OF THE THREE LETTERS ON THIS SUBJECT HAVE CARRIED HIS PERSONAL SIGNATURE, WHEREAS HE SIGNS ALMOST EVERYTHING COMING

OUT OF THE IAEA THAT HE CONSIDERS TO BE OF POLICY IMPORTANCE.

6. WHILE CONGEN BELIEVES SETHNA STILL HAS DOUBTS ABOUT THIS COURSE OF ACTION, HE APPARENTLY IS NO LONGER ABLE TO RESIST IT. THERE ARE ALSO INDICATIONS THAT HE MAY SEE AN ADVANTAGE IN AT LEAST ONE ASPECT OF IT AT THE PRESENT TIME. IT PUTS FOCUS ON OUR PRESENT DIFFERENCES ON REPROCESSING ITSELF RATHER THAN ON THE BROADER TERM OF FULL-SCOPE SAFEGUARDS. MANY SCIENTISTS HERE VIEW OUR NONPROLIFERATION LEGISLATION AS AIMED AT BREEDER PROGRAM FOR WHICH REPROCESSING IS CENTRAL.

7. COMMENT: IT SEEMS CLEAR THAT THERE IS A CONCERTED EFFORT WITHIN THE GOI TO FORCE US TO FACE UP TO WHATEVER RESPONSIBILITY WE MAY HAVE UNDER ARTICLE II E OF THE 1963 LIMITED OFFICIAL USE

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AGREEMENT FOR COOPERATION. PLEASE PROVIDE GUIDANCE FOR REPLY TO THE IAEA LETTER QUOTED ABOVE.
COURTNEY

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NNN

Message Attributes

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